

# **Amendment of public contract**

## **Abstract**

Amendment of public contract is a small but important part of all public procurement regulation, which, among other things, helps to spend public funds efficiently, prevents corruption, ensures transparency and equal treatment of suppliers and enables contracting authorities to respond to circumstances requiring a change in their contractual relations with suppliers without increased time or administrative demands.

The first part of this thesis describes the basic concepts important for understanding the legal regulation of amendment of public contract and outlines the historical development of this area, both at the European and national level.

In the following, and at the same time crucial, part, the thesis analyzes in detail the effective legal regulation of amendment of public contract. In this analysis, considerable emphasis is placed on the case-law of the Office for the Protection of Competition, domestic courts and the Court of Justice of the European Union, which is tremendously important for the interpretation of individual legal rules. The thesis also tries to provide specific examples of permitted and prohibited amendments from the case-law of the mentioned bodies. The thesis also deals with individual deviations of the legal regulation of sectoral public procurement, concessions and public procurement in the field of defense and security.

Towards the end of the legal analysis of effective legal regulation, the thesis answers questions concerning the interrelationship of substantial and insignificant changes, as well as individual categories of changes, and further provides the contracting authorities with recommendations for the implementation of changes.

On the basis of the legal analysis, the thesis concludes with the individual shortcomings of effective legislation and related *de lege ferenda* considerations that could contribute to improving the quality of the described legislation and also assesses whether effective regulation of amendment of public contract meets the purpose for which it was adopted.

Keywords: public procurement, contract modifications, material changes